

**Environmental Impact Analysis
Initial Study**

1. Project title: Sabercat Creek Trail Restoration and Trail Improvement Project

2. Lead agency name and address:

City of Fremont
3300 Capitol Avenue
Fremont, CA 94538

3. Contact person and phone number:

Steve Kowalski, Associate Planner
(510) 494-4532, Fax: (510) 494-4457
skowalski@fremont.gov

4. Project location:

West of Interstate 680 near intersection of Washington Boulevard and Paseo Padre Parkway
Improved trailhead located at the southern end of Gallegos Ave.
APNs: 513-0604-011-01; 513-0604-012-00; 513-0604-013-00; 513-0705-012-00; and 513-0709-006-00

5. Project Sponsor's name and address:

City of Fremont Environmental Services Division
Contact person: Barbara Silva, Environmental Specialist II
39550 Liberty St., 2nd Floor
Fremont, CA 94538
Ph: (510) 494-4575, Fax: (510) 494-4571
bsilva@fremont.gov

6. General plan designation: Institutional Open Space (OS-I)

7. Zoning: O-S (Open Space) and P-78-2 (Vista del Mar Planned District, a.k.a. Antelope Hills)

8. Description of project:

The City of Fremont is proposing to improve an existing trail by completing an unfinished segment that will connect two dead ends, thereby allowing users to continue along the trail in both directions. A portion of the segment will involve the construction of a 4-foot to 6-foot wide footpath cut into the existing slope underneath the Paseo Padre Parkway overpass. The unfinished portions of the segment on either side of the overpass will be widened and paved without the need for significant grading, cutting or filling. Upstream from these improvements where significant erosion has occurred, bank stabilization measures are proposed to create a safer environment for trail users, including the installation of cribwalls and riprap along the foot of the bank. In addition to these trail improvements, the City is proposing to re-vegetate a stretch of the creek adjacent to the trail downstream from the underpass to re-introduce native plant species to the area and remove exotic species that have moved into the area over time.

9. Surrounding land uses and setting:

The stretch of trail in question runs adjacent to Sabercat Creek between Pine Street to the east and Interstate 680 to the west. It is situated between single-family development to the north, south and east, consisting of one- and two-story detached single-family homes and attached townhouse developments set back approximately 300-400 feet from the edge of the riparian habitat surrounding the creekbed. The trail ends in a heavily forested ravine bordered by Interstate 680 to the west. Hilly terrain containing annual grasses and serving as cattle grazing land separates the creek and trail from the adjacent residential development. The trail is currently only accessible by foot from various entry points along certain public streets in the residential neighborhoods adjacent to the creek corridor. It consists of a paved path varying in width and running approximately 1¼ mile alongside the riparian habitat of the creek.

- 10. Congestion Management Program - Land Use Analysis:** Any project involving a General Plan Amendment, Notice of Preparation (NOP), or Environmental Impact Report (EIR) must be submitted to the Alameda County Congestion Management Agency (ACCMA).

<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO	This project includes a request for a General Plan Amendment. If yes, send appropriate forms to Alameda County Congestion Management Agency.
<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO	A Notice of Preparation is being prepared for this project.
<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO	An Environmental Impact Report is being prepared for this project.

11. Other public agencies whose approval is required:

- U.S. Army Corps of Engineers (Section 404 Permit);
- Regional Water Quality Control Board (Section 401 Permit); and/or
- State of California Department of Fish and Game (Streambed Alteration Agreement)

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The following list indicates the environmental factors that would be potentially affected by this project. Those factors that are indicated as a "Potentially Significant Impact" in the initial study checklist are labeled "PS" while those factors that are indicated as a "Potentially Significant Unless Mitigation Incorporated" are labeled "M".

	Aesthetics		Agriculture Resources		Air Quality
M	Biological Resources		Cultural Resources		Geology / Soils
	Hazards & Hazardous Material	M	Hydrology / Water Quality		Land Use / Planning
	Mineral Resources		Noise		Population / Housing
	Public Services	M	Recreation		Transportation / Traffic
	Utilities / Service Systems		Mandatory Findings of Significance		

DETERMINATION BY THE CITY OF FREMONT:

On the basis of this initial evaluation:

	I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
X	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
	I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
	I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
	I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature: 

Date: July 8, 2009

Printed Name: Stephen Kowalski

For: City of Fremont

Senior Planner Review: 

I. AESTHETICS -- Would the project:

a.	Have a substantial adverse effect on a scenic vista?				X
b.	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c.	Substantially degrade the existing visual character or quality of the site and its surroundings?				X
d.	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?				X

Comments: The proposed project will not involve the removal of any scenic resource, the blocking of any scenic vistas, or the creation of any new sources of light or glare that would have a negative impact on the surrounding area. [Sources: 14, B]

II. AGRICULTURE RESOURCES -- In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

a.	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b.	Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c.	Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?				X

Comments: The proposed project will not result in the conversion of farmland as shown on maps prepared pursuant to the Farmland Mapping and Monitoring Program to non-agricultural uses. In addition, the project does not conflict with any existing agricultural zoning or Williamson Act contract. [Sources: 1, 2, 19]

III. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

a.	Conflict with or obstruct implementation of the applicable air quality plan?				X
b.	Violate any air quality standard or contribute substantially to an existing or projected air quality violation?				X
c.	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?				X
d.	Expose sensitive receptors to substantial pollutant concentrations?				X

e.	Create objectionable odors affecting a substantial number of people?				X
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Comments: The proposed project will not contribute to or cause air quality violations in that it only involves the improvement of an existing pedestrian trail in an open space area. Users of the trail will not generate air pollutants or odors that will affect the adjacent properties or the surrounding neighborhood.

IV. BIOLOGICAL RESOURCES -- Would the project:

a.	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?		X		
b.	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?		X		
c.	Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?		X		
d.	Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?		X		
e.	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f.	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?		X		

Comments: On October 5, 2007, Olberding Environmental, Inc. Wetland Regulatory Consultants (Olberding) conducted a field survey and prepared a report for the project to determine the presence of special-status species and/or habitat listed in the California Natural Diversity Data Base (CNDDB) and to identify any wetland areas that could fall under U.S. Army Corps of Engineers or State of California jurisdiction [Source A]. The sources consulted by Olberding for agency-specific status information included the U.S. Fish and Wildlife Service (USFWS) for federally listed species and the California Department of Fish and Game (CDFG) for State of California listed species.

The field survey determined that one special-status plant and three special-status animal species could be present in the project area. The plant species found potentially to be present in the project area is Western Leatherwood (*Dirca occidentalis*). The animal species found to have suitable habitat in the project area are: 1) various nesting raptors; 2) the Western Pond Turtle (*Clemmys marmorata*); and 3) the San Francisco Dusky-footed Woodrat (*Neotoma fuscipes annectens*). The field survey also determined that the project area contained waters under the jurisdiction of both the U.S. Corps of Engineers and the State of California. The report concluded that the implementation of various mitigation measures would reduce the

potential impact of the proposed trail improvements and construction activities on all special-status species to a less-than-significant level. The recommended mitigation measures are as follows:

Mitigation Measure #1: Prior to commencement of construction-related activities, a survey of the project area during the proper blooming period of January through April for the presence of Western Leatherwood shall be conducted to determine the presence/absence of the species. If Western Leatherwood is found to be present in the project construction area, a qualified botanist shall be retained to determine the proper measures necessary in the event the project impacts this species. Possible mitigation measures include avoidance of the plant, relocation of the trail around the plant's habitat, or collection and re-broadcasting of the plant's seeds to a nearby point down-bank from its present location.

Mitigation Measure #2: Vegetation/tree removals that could directly destroy nests, eggs, and immature birds, and would remove future nesting habitats for birds, including sensitive species such as migrating songbirds, shall only occur outside of the breeding season which typically occurs between January and July. In the event removals are proposed during nesting season, a qualified biologist shall survey the area of work to determine that there are no birds present. No removals shall be permitted if species are found to be present.

Mitigation Measure #3: Surveys of the bridge substructure shall be conducted in late February before construction begins and before the nesting season is under way to determine if any colonially nesting bird species are establishing nests on the bridge substructure. Impacts to birds nesting on the bridge substructure can be avoided either by performing construction activities outside of the nesting area or before or after the nesting season has begun, or by placing barriers to prevent nesting on the substructure before nests can become established.

Mitigation Measure #4: Pre-construction surveys for nesting raptors shall be conducted. Suitable nesting trees within the areas where project-related activities will occur shall be surveyed if removal of the trees is to occur after January and prior to July. Raptor surveys shall also occur if grading is to occur within a 100-foot distance of any known nesting site. Surveys shall be performed prior to January to identify any potential nesting trees prior to the birds laying eggs. Once eggs have been laid, a buffer must be established around the nest site and the site must be protected until August 1st or until the young have fledged, whichever occurs later.

Mitigation Measure #5: Pre-construction surveys for the Western Pond Turtle shall be conducted. If the Western Pond Turtle is found to be present in the Project area, consultation with CDFG shall be required and a qualified biologist shall be retained to determine how and where the turtle(s) shall be relocated.

Mitigation Measure #6: Pre-construction surveys for the San Francisco Dusky-footed Woodrat shall be conducted to determine if this species occupies any of the area which will be impacted by implementation of the Project. If this species is found to be present, a qualified biologist shall be retained to determine a program to relocate nests to nearby areas which will not be impacted by the Project.

V. CULTURAL RESOURCES -- Would the project:

a.	Cause a substantial adverse change in the significance of a historical resource as defined in §15064.57?				X
b.	Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?				X
c.	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X
d.	Disturb any human remains, including those interred outside of formal cemeteries?				X

Comments: Although no known cultural resources or areas likely to contain resources exist in the project area, Sabercat fossils have been found within 1 mile of the project site during the construction of the Interstate 680 highway. The proposed project does not involve any significant excavation and is unlikely to disturb any area enough to unearth any resources. As a result, there is no anticipated impact to cultural resources from the proposed project. However, should any human remains or historical or unique archaeological resources be discovered during construction, the provisions of CEQA Guidelines, Section 15064.5 (e) and (f) will be followed to reduce impacts to a less-than-significant level.

VI. GEOLOGY AND SOILS -- Would the project:

a.	Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
	i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X
	ii) Strong seismic ground shaking?				X
	iii) Seismic-related ground failure, including liquefaction?				X
	iv) Landslides?			X	
b.	Result in substantial soil erosion or the loss of topsoil?				X
c.	Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				X
d.	Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				X
e.	Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				X

Comments: The project site lies within an area subject to seismically induced landslides. However, the scope of work for the project only involves improvements to an existing open space trail. No new structures, parking areas, or facilities other than the proposed improvements are proposed that would subject people to risk of loss, injury or death from earthquakes, liquefaction, landslides or other forms of ground failure. [Source: 5]

VII. HAZARDS AND HAZARDOUS MATERIALS - Would the project:

a.	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				X
b.	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				X
c.	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X

d.	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e.	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f.	For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g.	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h.	Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X

Comments: The proposed project is not located on a site that is included on the California Environmental Protection Agency's 2005 Hazardous Waste and Substances Sites List or the Alameda County Water District's Leaking Underground Fuel Tank (LUFT) and Spills, Leaks, Investigations and Cleanup (SLIC) Sites List. The project will not expose the public to hazardous emissions, materials, or any significant risk of loss, injury or death involving wildfires. [Sources: 6, 18]

VIII. HYDROLOGY AND WATER QUALITY -- Would the project:

a.	Violate any water quality standards or waste discharge requirements?		X		
b.	Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pro-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X
c.	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?		X		
d.	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?		X		
e.	Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?				X
f.	Otherwise substantially degrade water quality?				X

g.	Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
h.	Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X
i.	Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
j.	Inundation by seiche, tsunami, or mudflow?				X

Comments: Part of the scope of work involves the construction of a new paved trail segment running adjacent to the creek underneath the Paseo Padre Parkway overpass. Slope stabilization, including the installation of cribwalls and riprap along the foot of the bank is required to make portions of this new trail segment safe for users. Any alteration of a defined bank and/or bed of a jurisdictional water requires a Section 404 Permit from the U.S. Army Corps of Engineers, a Section 401 Permit from the Regional Water Quality Control Board, and/or a Streambed Alteration Agreement from the State of California Department of Fish and Game. These permits/agreements ensure that erosion and sedimentation do not occur which degrade water quality, alter drainage patterns, or augment runoff levels to a point which exceeds the capacity of drainage systems and/or causes flooding.

The following mitigation measures will be incorporated into the project to ensure that any impacts caused by the project are reduced to a less-than-significant level:

Mitigation Measure #7: Final design and landscaping plans shall ensure soil stability features are incorporated into the design that may include revisions to the location of the proposed path improvements, type of improvements or materials between the path and creek, or landscape materials, so as to limit long-term potential erosion or debris collecting and falling into the creekbed.

Mitigation Measure #8: Final construction drawings shall included stormwater pollution prevention plans (SWPPP) in accordance with Regional Water Quality Control Board best management practices to ensure stormwater water runoff during the construction of the project does not cause erosion or transport sediment to sensitive areas. The SWPPP measures shall be in place on the construction site prior to commencement of work. The SWPPP at a minimum will include the following measures:

- Temporary measures, such as flow diversion, temporary ditches, hay bales, and silt fencing;
- Surface disturbance of soil and vegetation shall be kept to a minimum, and existing access and maintenance roads and/or paths shall be used wherever feasible;
- Any stockpiled soil shall be placed and sloped so that it will not be subject to accelerated erosion;
- Discharge of all project-related materials and fluids into the creek shall be avoided to the extent feasible by using hay bales or silt fences, construction berms or barriers around construction materials, or installing geofabric in the area of disturbance; and
- After ground-disturbing activities are complete, all graded or disturbed areas shall be covered with protective material such as mulch or re-seeded with native plant species. The plan shall include details regarding seeding material, fertilizer, and mulching.

Mitigation Measure #9: Final construction plans shall demonstrate sediment control measures for project work directly adjacent the creek channel that adequately relieve potential increases in turbidity conditions from accidental disturbance to the creek during and after construction. Control measure placement shall

consider seasonal changes in creek flows for wet and dry seasons. Ideally, work will occur during the summer low-precipitation period whenever feasible. The control measures shall be installed as the first step in construction.

Mitigation Measure #10: Temporary dewatering of the channel during construction to address sediment or erosion control shall not be permitted without a detailed study by a qualified biologist and potential consideration by a qualified hydrologist as to potential effects on special status plants and animals both upstream and downstream of the project site. In the event there would be significant negative impacts to special status species of harming their reproductive cycle or eliminating an example of the species, dewatering shall not be permitted.

IX. LAND USE AND PLANNING - Would the project:

a.	Physically divide an established community?				X
b.	Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X
c.	Conflict with any applicable habitat conservation plan or natural community conservation plan?				X

Comments: The proposed project will not divide a community physically, nor will it conflict with any land use plan, general plan or other policy document of the City of Fremont or any other agency having jurisdiction.

X. MINERAL RESOURCES -- Would the project:

a.	Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b.	Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X

Comments: Upon consultation of the General Plan Natural Resources Chapter, Figure 9-4, Mineral Resources, there is no evidence that the project site contains locally or regionally important mineral resources. Therefore, the project will not result in impacts to such resources. [Sources: 10, 11]

XI. NOISE -- Would the project result in:

a.	Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				X
b.	Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?				X
c.	A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				X
d.	A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?				X
e.	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a				X

	public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				
f.	For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X

Comments: The proposed project will not generate significant noise levels or groundborne vibrations beyond those temporarily generated by construction-related activities. Construction- and demolition-related activities will be required to comply with the City of Fremont's Noise Ordinance, which limits all such activities to certain times of the day to reduce noise impacts on adjacent properties to acceptable city levels. The project is also not located near any public or private airstrip. For these reasons, no mitigation for noise impacts is required. [Sources: 8, 11]

XII. POPULATION AND HOUSING -- Would the project:

a.	Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X
b.	Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
c.	Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X

Comments: The proposed project will not cause an increase in population or the displacement of existing populations or housing stock. The scope of work is limited solely to an existing open space.

XIII. PUBLIC SERVICES

a.	Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
	Fire protection?				X
	Police protection?				X
	Schools?				X
	Parks?				X
	Other public facilities?				X

Comments: The proposed project will not have an adverse physical impact on the existing trail. Instead, it will improve the trail by connecting two unfinished segments to allow for through pedestrian access in either direction. It would also improve safety along segments of the trail through slope/bank stabilization and by installing footpaths and handrails across sloped and/or unstable portions of the trail.

XIV. RECREATION

a.	Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X
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b.	Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?		X		
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Comments: As discussed earlier, the proposed project will improve an existing recreational facility by linking two dead end segments of an open space trail. The project area has been determined to have habitat for a number of special-status plant and animal species as discussed in the Biological Resources section above (see Section IV). However, the implementation of mitigation measures listed in that section, as well as those listed in the Hydrology and Water Quality Section will reduce any impacts the project has on the environment to a less-than-significant level (see Section VIII).

XV. TRANSPORTATION/TRAFFIC -- Would the project:

a.	Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?				X
b.	Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?				X
c.	Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X
d.	Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X
e.	Result in inadequate emergency access?				X
f.	Result in inadequate parking capacity?				X
g.	Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus tumouts, bicycle racks)?				X

Comments: The proposed project will not cause a substantial increase in traffic on the surrounding street network or result in inadequate parking capacity adjacent to the project site in that portions of the trail are already in place and being used. The improvements will not result in the creation of a new recreational facility; instead, they will improve an existing facility by connecting two segments that currently do not connect. The project improves pedestrian and vehicular safety by allowing a direct connection between the two segments without requiring pedestrians to cross the traffic lanes of Paseo Padre Parkway.

XVI. UTILITIES AND SERVICE SYSTEMS -- Would the project:

a.	Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X
b.	Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
c.	Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X

d.	Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				X
e.	Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X
f.	Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				X
g.	Comply with federal, state, and local statutes and regulations related to solid waste?				X

Comments: The proposed project does not require the installation of new utilities, nor will it generate solid waste at levels above and beyond those currently generated by users of the existing trail segments. As such, the project will have no impacts on utilities and service systems, and no mitigation is required.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE –

a.	Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?		X		
b.	Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?				X
c.	Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				X

Comments: The above discussion adequately addresses all potential impacts the proposed project may have on the environment. The identified mitigation measures included in the study will reduce all potentially significant impacts to a less-than-significant level.

XVIII. Summary of Proposed Mitigation Measures

Mitigation Measure #1: Prior to commencement of construction-related activities, a survey of the project area during the proper blooming period of January through April for the presence of Western Leatherwood shall be conducted to determine the presence/absence of the species. If Western Leatherwood is found to be present in the project construction area, a qualified botanist shall be retained to determine the proper measures necessary in the event the project impacts this species. Possible mitigation measures include avoidance of the plant, relocation of the trail around the plant's habitat, or collection and re-broadcasting of the plant's seeds to a nearby point down-bank from its present location.

Mitigation Measure #2: Vegetation/tree removals that could directly destroy nests, eggs, and immature birds, and would remove future nesting habitats for birds, including sensitive species such as migrating songbirds, shall only occur outside of the breeding season which typically occurs between January and July. In the event removals are proposed during nesting season, a qualified biologist shall survey the area of work to determine that there are no birds present. No removals shall be permitted if species are found to be present.

Mitigation Measure #3: Surveys of the bridge substructure shall be conducted in late February before construction begins and before the nesting season is under way to determine if any colonially nesting bird species are establishing nests on the bridge substructure. Impacts to birds nesting on the bridge substructure can be avoided either by performing construction activities outside of the nesting area or before or after the nesting season has begun, or by placing barriers to prevent nesting on the substructure before nests can become established.

Mitigation Measure #4: Pre-construction surveys for nesting raptors shall be conducted. Suitable nesting trees within the areas where project-related activities will occur shall be surveyed if removal of the trees is to occur after January and prior to July. Raptor surveys shall also occur if grading is to occur within a 100-foot distance of any known nesting site. Surveys shall be performed prior to January to identify any potential nesting trees prior to the birds laying eggs. Once eggs have been laid, a buffer must be established around the nest site and the site must be protected until August 1st or until the young have fledged, whichever occurs later.

Mitigation Measure #5: Pre-construction surveys for the Western Pond Turtle shall be conducted. If the Western Pond Turtle is found to be present in the Project area, consultation with CDFG shall be required and a qualified biologist shall be retained to determine how and where the turtle(s) shall be relocated.

Mitigation Measure #6: Pre-construction surveys for the San Francisco Dusky-footed Woodrat shall be conducted to determine if this species occupies any of the area which will be impacted by implementation of the Project. If this species is found to be present, a qualified biologist shall be retained to determine a program to relocate nests to nearby areas which will not be impacted by the Project.

Mitigation Measure #7: Final design and landscaping plans shall ensure soil stability features are incorporated into the design that may include revisions to the location of the proposed path improvements, type of improvements or materials between the path and creek, or landscape materials so as to limit long-term potential erosion or debris collecting and falling into the creekbed.

Mitigation Measure #8: Final construction drawings shall include stormwater pollution prevention plans (SWPPP) in accordance with Regional Water Quality Control Board best management practices to ensure stormwater runoff during the construction of the project does not cause erosion or transport sediment to sensitive areas. The SWPPP measures shall be in place on the construction site prior to commencement of work. The SWPPP at a minimum will include the following measures:

- Temporary measures, such as flow diversion, temporary ditches, hay bales, and silt fencing;
- Surface disturbance of soil and vegetation shall be kept to a minimum, and existing access and maintenance roads and/or paths shall be used wherever feasible;
- Any stockpiled soil shall be placed and sloped so that it will not be subject to accelerated erosion;
- Discharge of all project-related materials and fluids into the creek shall be avoided to the extent feasible by using hay bales or silt fences, construction berms or barriers around construction materials, or installing geofabric in the area of disturbance; and
- After ground-disturbing activities are complete, all graded or disturbed areas shall be covered with protective material such as mulch or re-seeded with native plant species. The plan shall include details regarding seeding material, fertilizer, and mulching.

Mitigation Measure #9: Final construction plans shall demonstrate sediment control measures for project work directly adjacent the creek channel that adequately relieve potential increases in turbidity conditions from accidental disturbance to the creek during and after construction. Control measure placement shall consider seasonal changes in creek flows for wet and dry seasons. Ideally, work will occur during the summer low-precipitation period when feasible. The control measures shall be installed as the first step in construction.

Mitigation Measure #10: Temporary dewatering of the channel during construction to address sediment or erosion control shall not be permitted without a detailed study by a qualified biologist and potential consideration by a qualified hydrologist as to potential effects on special status plants and animals both upstream and downstream of the project site. In the event there would be significant negative impacts to special status species of harming their reproductive cycle or eliminating an example of the species, dewatering shall not be permitted.

GENERAL SOURCE REFERENCES:

1. City of Fremont General Plan (Land Use Chapter Text and Maps)
2. City of Fremont Zoning Ordinance and Maps
3. Existing land use
4. City of Fremont General Plan (Housing Chapter)
5. Alquist-Priolo Earthquake Fault Zoning Act and City of Fremont General Plan (Health and Safety Chapter)
6. City of Fremont General Plan (Health and Safety Chapter)
7. National Pollutant Discharge Elimination System (NPDES) Permit
8. Flood Insurance Rate Map and City of Fremont General Plan (Health and Safety Chapter)
9. City of Fremont General Plan (Transportation Chapter)
10. City of Fremont Natural Resources, General Plan Chapter [Biological resources, including Physical Zones, habitat zones (i.e., Tidal mudflat, wetland, low land, hill, grass land, etc), Unique Natural Areas (i.e., quarries, percolation ponds, etc.)]
11. City of Fremont General Plan (Natural Resources Chapter)
12. City of Fremont General Plan (Health and Safety Chapter, Noise subsection)
13. City of Fremont General Plan (Public Facilities Chapter)
14. City of Fremont General Plan (Natural Resources Chapter, subsection Scenic and Visual)
15. City of Fremont General Plan (Cultural Resources Chapter)
16. City of Fremont General Plan (Park and Recreation Chapter)
17. City of Fremont General Plan (Open Space Chapter)
18. Hazardous Waste & Substances Sites List, consolidated by the State Department of Toxic Substances Control, Office of Environmental Information Management, by Ca./EPA, pursuant to Government Code Section 65962.5. Fremont update March 2006
19. City of Fremont Agricultural Preserves Lands Under Contract (Map and List)
20. Bay Area Air Quality Management District: Clean Air Plan 2000; Bay Area Ozone Strategy 2005

PROJECT RELATED REFERENCES:

- A. Biological Resources Analysis for the Sabercat Creek Trail Project prepared by Olberding Environmental, Inc., October 2007
- B. Sabercat Creek Urban Open Space Management Plan prepared by Questa Engineering Corp., April 20, 2007

Exhibit A:

Sabercat Creek Site Plan prepared by Questa Engineering Corp.